

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____ Date: _____		
Signature: _____ Title: _____		

APPLICATION SUBMISSION REQUIREMENTS FOR ALL APPEALS:

- 1. ALL DOCUMENTS MUST BE SUBMITTED, AT A MINIMUM, FOURTEEN (14) DAYS PRIOR TO THE ZONING BOARD MEETING AT WHICH THIS APPLICATION IS PLANNED TO BE REVIEWED
- 2. TWENTY (20) COPIES ARE REQUIRED OF ALL DOCUMENTS SUBMITTED (PLEASE DO NOT STAPLE)

MINIMUM REQUIRED DOCUMENTS FOR ALL ZONING APPLICATIONS:

- 1. A COMPLETED APPLICATION FORM ACCOMPANIED BY THE APPROPRIATE FEE
- 2. A BRIEF WRITTEN NARRATIVE OF THE PURPOSE OF THE APPEAL
- 3. COPIES OF ANY APPLICATIONS OR REPORTS, AS REQUIRED TO COMPLY WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, AT A MINIMUM THE SHORT E.A.F. COMPLETED
- 4. NAMES AND MAILING ADDRESSES OF ALL PROPERTY OWNERS WITHIN FIVE HUNDRED (500) FEET OF THE SUBJECT PROPERTY BOUNDARY LINES

FOR INTERPRETATION AND ADMINISTRATIVE DECISION APPEALS:

- A. A WRITTEN DESCRIPTION OF THE SPECIFIC PROVISION OF THE LAW OR MAP SECTION IN QUESTION
- B. A SKETCH PLAN OF THE REAL PROPERTY TO BE AFFECTED SHOWING:
 - 1. LOCATION OF THE LOT
 - 2. SIZE OF THE LOT
 - 3. TYPE AND MAGNITUDE OF THE IMPROVEMENTS PROPOSED

FOR TEMPORARY USES AND AREA/USE VARIANCES:

- A. A LEGAL DESCRIPTION OF THE PROPERTY
- B. PLANS AND ELEVATIONS, AS NECESSARY, TO SHOW THE PROPOSED VARIANCE
- C. A SITE PLAN AT A SCALE OF ONE (1) INCH EQUAL TO, OR LESS THAN FIFTY (50) FEET DISPLAYING:
 - 1. A NORTH ARROW
 - 2. PROPERTY BOUNDARY LINES
 - 3. MAP SCALE
 - 4. DATE
 - 5. EXISTING STRUCTURES, WATER BODIES, AND/OR ANY OTHER SENSITIVE ENVIRONMENTAL FEATURES WITHIN TWO (200) FEET OF THE SITE
 - 6. ALL PROPOSED BUILDINGS, FENCES, PAVING, SIDEWALKS, STORAGE AREAS, ACCESS DRIVE, EXTERIOR LIGHTING, OPEN SPACE AREAS, RECREATIONAL FACILITIES, LANDSCAPING, UTILITIES, DRAINAGE, SIGNS, STORM WATER FACILITIES, TYPICAL BUILDING ELEVATIONS, SITE CONTOURS AND GENERAL BUILDING LAYOUT OR FLOOR PLAN AND ANY OTHER IMPROVEMENTS
 - 7. WELLS AND EFFLUENT TREATMENT SYSTEM SERVING THE SITE, WITH APPROPRIATE DOCUMENTATION FROM THE AGENCY OF AUTHORITY OF THEIR PRELIMINARY APPROVAL
 - 8. THE FOLLOWING INFORMATION MAY BE PROVIDED ON THE SITE PLAN DRAWING OR ADDITIONAL DRAWINGS:
 - a. LOCATION OF TOPOGRAPHIC SLOPES IN EXCESS OF FIFTEEN (15) PERCENT
 - b. LOCATION OF BEDROCK AND OTHER SIGNIFICANT GEOLOGICAL FEATURES

*THIS CHECK SHEET IS PROVIDED AS A GUIDE FOR CONVENIENCE ONLY, APPLICANT SHOULD REFER TO THE APPLICABLE SECTION OF THE ZONING LAW OF THE TOWN OF NEW SCOTLAND FOR VARIANCE REQUIREMENTS, AND ADDITIONAL INFORMATION MAY BE REQUIRED BY THE BOARD.

**The following text is taken from Article IX
of the
"Town of New Scotland Zoning Law"
Governing the Board of Appeals**

§ 190-69. Purpose.

The purpose of this article is to establish the organization, authority and responsibilities of the Town of New Scotland Zoning Board of Appeals (hereinafter the "ZBA"). The ZBA is established pursuant to § 267 of New York State Town Law.

§ 190-70. Membership.

- A. The ZBA shall consist of five members appointed by the Town Board. The Town Zoning Code Board shall appoint a Chair and members of the ZBA in accordance with the Town Law of the State of New York. An appointment to a vacancy occurring prior to expiration of a term shall be for the remainder of the unexpired term.
- B. Upon temporary absence or disqualification of the Chair, members of the ZBA will appoint a temporary Acting Chair to preside for up to three consecutive meetings.
- C. Upon resignation or disability of the Chair, involving a long-term absence to exceed three consecutive meetings, the Town Board shall appoint an Acting Chair to preside over the ZBA.

§ 190-71. Organization and procedure.

A. Meetings.

- (1) The ZBA shall adopt and publicize a meeting schedule.
- (2) All hearings of the ZBA shall be public.
- (3) The ZBA shall keep minutes of its proceedings, showing the action taken and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep public records of all its activities. Each action taken by the ZBA on an application shall be filed with the Town Clerk.
- (4) The Chair may administer oaths and compel the attendance of witnesses.

B. Voting.

- (1) A quorum entitling the ZBA to take action shall be a majority of the entire membership of the ZBA.
- (2) Each member present at a meeting shall be entitled to one vote on each matter before the ZBA.
- (3) ZBA action may be taken only upon the concurring vote of a majority of the entire membership of the ZBA.
- (4) Any member who has a personal interest in a matter pending before the ZBA shall disclose that an interest exists and shall abstain from voting on the matter. A majority of the disinterested members will be sufficient for ZBA action to be taken, provided a quorum exists.
- (5) The Town Board may appoint alternate members to the Zoning Board of Appeals which will allow for the Chairperson of the ZBA to designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on a matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board meeting at which the substitution is made.

§ 190-72. Powers and duties.

The ZBA shall have the following powers and duties under this chapter:

- A. Administrative appeals. To hear and decide appeals from and review any order, requirement, decision or determination made by an official charged with enforcing any part of this chapter.
- B. Grant variances. To approve, approve with conditions, or disapprove appeals for variances from the strict enforcement of only the provisions of this chapter which relate to the use, space, area and size standards of the district regulations and performance standards.

Inspector and officer whose action is the subject of the appeals.

(2) A notice of appeal shall be filed by the appellant within 60 days of notification of the decision to which an appeal applies.

(3) All applications and appeals made to the ZBA shall be in writing on forms prescribed by the ZBA. Every application or appeal shall contain the following information:

(a) The name, address and phone number of the applicant or appellant.

(b) The name and address of the owner of the lot to be affected by such proposed change or appeals.

(c) A brief written description and location of the lot to be affected by such proposed change or appeal including the present zoning classification of the lot in question, the improvements thereon and the present use thereof, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction details.

(d) Applicant's interest in the property.

(e) Sixteen complete copies of any application form and information prescribed by the ZBA.

(f) Additional information.

[1] If seeking an interpretation:

[a] A written description of the specific provision of the law in question and the interpretation claimed.

[b] A sketch plan of the real property to be affected, indicating the location and size of improvements proposed to be completed.

[2] If seeking a variance:

[a] A site plan as required by § 190-52E(4), a legal description of the property, plans and elevations necessary to show the proposed

C. Permit building in bed of mapped streets. The ZBA, after due notice and hearings required under § 280 of New York State Town Law, may grant a permit for a building on land within the bed of a mapped street located on the Official Map of the Town of New Scotland, said Official Map to be in compliance with § 270 of New York State Town Law. Said permit shall only be granted where the land within such mapped street is not yielding a fair return on its value to the owner. The ZBA may impose reasonable requirements as a condition of granting such permit designed to lessen, as practicable, increased costs of opening such street, of which tend to cause a change of such Official Maps.

D. Interpret district boundaries and provisions of this chapter. Upon appeal from a decision by the Inspector to decide any question involving the interpretation of any provision of this chapter, or where uncertainty exists as to the boundaries of any zone district, the ZBA shall, upon written application or upon its own motion, determine the location of such boundaries of such districts as are established and as designated on the Official Zoning Map of the Town of New Scotland.

E. Authorize temporary uses. To permit temporary occupancy and use of a structure in any district for a purpose that does not conform with the district requirements provided that such occupancy and use is truly of a temporary nature and subject to any reasonable conditions and safeguards which the ZBA may impose to minimize any negative effect upon the neighborhood or to protect contiguous property. The approval of the ZBA and any permit based thereon, for such temporary occupancy and use, shall not be granted for a period of more than 12 months and shall not be renewable more than once, and then for a period of not more than 12 months.

§ 190-73. Initiation of proceedings.

A. Procedure for appellant.

(1) An appeal to the ZBA pertaining to a ruling of any Town officer administering any portion of this chapter may be taken by any person aggrieved, or by an officer, department, board, or bureau of the Town affected. Such appeal shall be made by filing a notice of the appeal specifying the grounds of the appeal, with the

variance, and other drawings or information reasonably considered necessary by the ZBA to establish an understanding of the proposed use and its relationship to surrounding properties.

[b] Name and mailing addresses of the owners of all property within 500 feet of the subject property.

B. Procedure for the Inspector.

- (1) The Inspector shall forthwith transmit to the ZBA all papers consisting of the record upon which the action appealed from was taken, or in lieu thereof, certified copies of said papers.
- (2) It shall be incumbent upon the Inspector to recommend to the ZBA a modification or reversal of the Inspector's action in cases where the Inspector believes substantial justice requires the same but where the Inspector has not himself sufficient authority to grant the relief sought.

C. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Inspector certifies for the ZBA, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, stay would, in the Inspector's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the ZBA, or by the Supreme Court on application, on notice to the Inspector and on due cause shown.

D. Referral to the Planning Board.

- (1) Upon receipt of any application to the ZBA, the Inspector shall transmit a copy of said application to the Planning Board and shall request that the Planning Board submit an advisory opinion to the ZBA within 45 days and prior to the time set for the ZBA to render its decision. Failure of the Planning Board to submit such report shall be interpreted as a "no recommendation" opinion by the Planning Board.
- (2) In case of a request or an application to build in the bed of a mapped street, the Inspector shall transmit a copy of the application, plans, and

other available data to the Planning Board, upon receipt. Prior to, or at the time of hearing, the Planning Board shall submit a report as to the probable effect such an application would have on the Comprehensive Land Use Plan and the public health, safety and welfare of the Town of New Scotland.

E. Public hearings and notice. The ZBA shall fix a reasonable time for, and fix a date in the reasonable future for, the required public hearing on an application. Public notice shall be given in compliance with § 267-a of New York State Town Law by publishing a notice of such hearing in the official paper at least five days prior to the date thereof, and, at least five days prior to the date of the hearing, mailing notices of the hearing to the following officials, persons and owners of property:

- (1) In case of an appeal alleging error or misinterpretation in any order or other action by the Inspector: the appellant, and the person or persons, if any, who benefit from the order, requirement, regulations or determination, and any regional state park commission having jurisdiction over any state park within 500 feet of the property affected by such appeal;
- (2) In case of an appeal for a variance: all owners of the property within 500 feet of the nearest line of the property for which the variance is sought, and to such other property owners as the Chair of the ZBA may direct.

F. Adjournment of hearing. Upon the day for hearing any application or appeal, the ZBA may adjourn the hearing for a period not to exceed 45 days for the purpose of causing such further notices as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal.

§ 190-74. Decision.

- A. The ZBA shall decide each appeal within 62 days from the date of the final hearing, and notice shall be given to all parties in interest in accordance with § 267-a of New York State Town Law. At the hearing any party may appear in person or be represented by an agent or attorney.
- B. In the exercise of its functions upon such appeals or upon exceptions, the ZBA may, in conformity with

the provisions of this chapter, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from or may make such order, requirement, decision or determination in accordance with the provisions thereof.

§ 190-75. Granting appeals.

When benefit to the applicant outweighs health, safety and welfare issues or when unnecessary hardships are encountered by the applicant in carrying out the strict letter of this chapter, the ZBA shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions set out here, in a way which observes the spirit of this chapter and secures public safety, yet provides relief from or unnecessary hardship caused by this chapter. In carrying out this power, the ZBA may modify a remedy requested by the appellant and prescribe and approve a remedy, the specifics of which, in its opinion, most closely effect the intent of this chapter.

§ 190-76. Standards for granting of appeals.

The ZBA shall grant an appeal only when it finds that the following standards have been met:

A. Administrative appeals. That the administrative official at whom the appeal is directed, erred in either interpretation of a code or in the application of it to a particular circumstance of the application. If the ZBA finds that the administrative official misinterpreted or misapplied the provisions of this chapter or another code, the decision of the administrative official shall be reversed and the ZBA shall make an interpretation of the code to be used by the administrative official.

B. Area variances.

- (1) The ZBA shall have the power, upon an appeal from a decision or determination of the Planning Board, to grant area variances as defined herein.
- (2) In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the district, neighborhood or community by such grant. In making such determination the ZBA shall also consider the following:

- (a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (c) Whether the requested area variance is substantial;
- (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the district or neighborhood; and
- (e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

(3) The ZBA, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate while at the same time preserve and protect the character of the district or neighborhood and the health, safety and welfare of the community.

C. Use variances.

- (1) The ZBA shall have the power, upon an appeal from the decision or determination of the Planning Board, to grant use variances as defined herein.
- (2) No such use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the ZBA the following:
 - (a) Under applicable zoning regulations the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(b) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(c) That the requested use variance, if granted, will not alter the essential character of the district or neighborhood; and

(d) That the alleged hardship has not been self-created.

(3) The ZBA, in granting a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the district or neighborhood and the health, safety and welfare of the community.

§ 190-77. Imposition of conditions.

A. The ZBA shall, in granting of both use variance and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property, and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this chapter, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the district, neighborhood or community.

B. Such conditions may include, but are not limited to, specifications for the following:

- (1) Vegetation, buffering, and screening;
- (2) Increased setbacks, yards, and access restrictions;
- (3) Hours of use and operation controls;
- (4) Location and design of signs, parking, and lighting;
- (5) Conservation easements and other deed restrictions;
- (6) Professional maintenance and inspection of facilities or improvements necessary to ensure adequate maintenance and inspection;
- (7) Any other standard or specification contained in this chapter.

§ 190-78. Expiration of appeal decision.

Unless otherwise specified by the ZBA, a decision of any appeal or request for a variance shall expire if the applicant fails to obtain necessary building permits, or comply with the conditions of said authorized permit within one year from the date of authorization.

§ 190-79. Required interval for hearings on applications and appeals after denial.

Whenever, after hearing all evidence presented upon an application or appeal under the provisions of this chapter, the ZBA denies the same, the ZBA shall refuse to hold further hearings on the said or substantially similar application or appeal by the same applicant, its successors or assigns, for a period of one year, except and unless the ZBA shall find and determine from the information supplied by the request for a rehearing, that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare, and that a reconsideration is justified.